

REMARKS

The Examiner has issued a restriction requirement stating that the application claims four separate inventions. Specifically, the Examiner identifies the four inventions as being:

Group I: Claims 47-51, 54 and 57 drawn to a method for inducing cell death using an inducible promoter in a construct introduced into a mixture of cells that do and do not express apoptosis-mediating receptor where the apoptosis-signaling ligand is an antibody.

Group II: Claims 47-50, 52, 54, 57, 60-67 and 74-85 drawn to a method for inducing cell death in a mixture of cells that do and do not express apoptosis-mediating receptor where the ligand responsible for inducing cell death is expressed using a vector, where expression is under control of an inducible promoter.

Group III: Claims 47-51 and 56 drawn to said method in claim 47 where the ligand inducing cell death is an antibody introduced into a group of cells expressing Fas (FasL receptor).

Group IV: Claims 47-50, 52, 56, 60-67 and 74-85 drawn to said method in claim 47 where the ligand inducing cell death is expressed using a vector introduced into cells already expressing Fas, where the vector contains an inducible promoter.

Group V: Claims 47-51 and 55 drawn to said method in claim 47 where the ligand inducing cell death is an antibody introduced into a group of cells that do not express Fas.

Group VI: Claims 47-50, 52, 55, 60-67 and 74-85 drawn to said method in claim 47 where the ligand inducing cell death is expressed using a vector introduced into a group of cells that do not express Fas.

Group VII: Claims 47, 54, 57, 60-67 and 85 drawn to a method of inducing cell death where the ligand inducing death is selected from a group consisting of Bax, Bad, Bak and Bik and the ligand is expressed using a vector introduced into a mixture of cells that do and do not express the receptor Fas.

Group VIII: Claims 47, 56, 60-67 and 85 are drawn to a method of inducing cell death where the ligand inducing cell death is selected from a group consisting of Bax, Bad, Bak

and Bik and the ligand is expressed using a vector introduced into a group of cells that do not express the receptor Fas.

Group IX: Claims 47, 56, 60-67 and 85 are drawn to a method of inducing cell death where the ligand inducing cell death is selected from a group consisting of Bax, Bad, Bak and Bik and the ligand is expressed using a vector introduced into a group of cells that do not express the receptor Fas.

Group X: Claims 47, 58-73 are drawn to a method of inducing cell death where an expression vector introduced encoding the effector ligand is introduced into a group of cells that are contained in a solid tumor.

Group XI: Claims 86-96 are drawn to an adenoviral expression vector encoding a ligand or FasL wherein said vector comprises a tissue-specific inducible conditional promoter.

Group XII: Claims 97-104 and 111 drawn to an adenoviral expression vector comprising a tetracycline-responsive element, also encoding a transactivator for the response element and encoding a protein regulated by the response element, wherein said protein can be FasL.

Group XIII: Claims 105-107 and 112 are drawn to an adenoviral expression vector comprising characteristics of claim 97 but further comprising a gene encoding a reporter protein encoded as a fusion protein, wherein the reporter protein is green fluorescent protein.

Group XIV: Claims 108-110 are drawn to an adenoviral vector comprising an encoded fusion protein that causes tissue-specific localization of the target protein.

Pursuant to 37 C.F.R. §1.499, Applicants elect Group X (Claims 47, 58-73) without traverse and cancel without prejudice the claims of Groups I-IX and XI-XIV (claims 48-57 and 74-112).

Applicants reserve the right pursuant to 35 U.S.C. §121 to file one or more divisional applications directed to the non-elected inventions during the pendency of the present application.

CONCLUSION

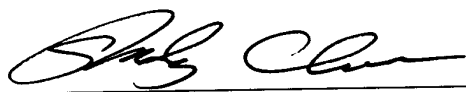
Applicants earnestly believe that the application is in condition for allowance and respectfully solicit the Examiner to expedite prosecution of this patent application to issuance. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to Deposit Account No. 23-2415 (Attorney Docket No. 22488-710).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Date: Oct. 9. 2003 By:


Shirley Chen, Ph.D.
Registration No. 44,608

650 Page Mill Road
Palo Alto, CA 94304
Direct Dial: (650) 565-3836
Customer No. 021971